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OBITUARY NOTICES,

AND

OTHER TESTIMONIALS OF RESPECT,

ON THE

OCCASION OF THE DEATH

OF THE

HON. CHA'S K. WILLIAMS, LL. D.

FORMERLY

CHIEF JUSTICE OF THE SUPREME COURT,

AND AFTERWARDS

GOVERNOR OF THE STATE OF VERMONT,

TO WHICH IS PREFIXED

A BRIEF BIOGRAPHICAL NOTICE OF THE DECEASED.

Prepared for Publication in 1852,

BY THE HON. ISAAC F. REDFIELD, LL. D.,
CHIEF JUSTICE OF VERMONT.

RUTLAND :
GEO. A. TUTTLE & CO., PRINTERS.
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THE following notices of the death of the late GOVERNOR WILLIAMS, with the other testimonials of respect to his memory, have been collected together at the request of a number of the friends of the deceased, who were desirous of having them embodied in a form more readily accessible and more convenient for preservation than they have heretofore been.

To these has been prefixed a brief biographical sketch of the deceased, which was prepared during his life time, (in July, 1852) at the request of the publisher of one of the popular publications of the day, by the HON. ISAAC F. REDFIELD, LL. D., the present successor of the deceased as Chief Justice of Vermont, and who was for more than ten years associated with him on the Bench of the Supreme Court, during which time a most unreserved intimacy and friendship existed between them. This gave JUDGE REDFIELD a more thorough and intimate acquaintance with the private opinions and sentiments of the deceased than is possessed by scarcely any other person now living, and his sketch is believed to present as faithful and a more full account of the life and character of the deceased than any of the many notices which have since appeared.

CHARLES KILBORN WILLIAMS, LL. D.

THE PRESENT* GOVERNOR OF VERMONT was born at Cambridge, Mass. Jan'y. 24, 1782. He is the son of the Rev. Samuel Williams, LL. D., the early historian of Vermont, whose work forms the chief basis of the later histories of the State during the formation period of its civil institutions. He was, at that time, the Professor of Mathematics and Natural Philosophy in Harvard College. He was a man of great learning and ability, and his counsel was always sought with avidity and followed with confidence by the leading men of the State, ever after his removal here in 1790 until the time of his death in 1817.

Governor WILLIAMS has resided in Rutland since the period of his early childhood, and the unaffected sentiment of respect and love, amounting almost to veneration, in which he is there held, by all classes, is the best testimony which could be given of his eminent worth. It were needless to enlarge upon such a topic. Language is scarcely adequate to its faithful delineation. The truth would seem like exaggeration, one needs to go there to feel its full force. And this is a testimony which cannot be got up for an occasion; which cannot be bought up by some single act of splendid munificence; which cannot be simulated for effect; and which will not fail to make itself known where it exists. And we do not hesitate to affirm that no man in the state ever carried down to the close of life a more enviable testimony from his neighbors and townsmen.

The dry detail of the successive incidents in the life of one who has earned such a reputation "by patient continuance in well doing," to his familiar and intimate friends, seems scarcely less than a mockery. Its very leanness seems like studied depreciation; like making his history a mere shadow, a skeleton, without the tissue or drapery

* July 1852. See prefatory note.

of life. But it is too true to be disguised, that this is all the historian can gather up, of the most virtuous, the most self-sacrificing life when its earthly footsteps are once accomplished. It then becomes literally, to all earthly seeming, "like water spilt upon the ground which cannot be gathered up again."

Governor WILLIAMS entered Williams College in 1796 and graduated, in course, in 1800, at the age of eighteen. He was appointed tutor in that College in 1802, but having at that time a favorable opportunity to enter upon the active duties of his profession, so soon as he should be admitted to the bar, he declined the appointment. He was admitted to the bar of Rutland County Court, March Term, 1803. Since that time, for the most part, he has been unremittingly engaged in the active, laborious and responsible duties of his profession, in the several offices of Attorney, Counsellor and Judge. He sustained a very high standing at the bar as a sound lawyer and successful advocate. In one essential, cardinal excellence, his reputation, as a member of the bar, is perhaps worthy of special commendation to the members of the profession every where and at all times, since the temptations there to moral delinquencies, are so constant, and so specious often as to be difficult of detection, and not easily resisted always when discovered. He was never suspected of carrying his case by mere management and chicanery. He chose to lose those cases which he could not gain fairly. He supposed, when he had done all for his client that truth and justice would warrant, that he had done enough, and chose to trust all the consequences where he must trust all the consequences of his life. In short he was just as scrupulous, just as conscientious in his efforts at the bar, as he would be upon the bench or any where else. It is believed that he never studied to discover or to devise a rule of casuistry, by which, a man may be allowed to do an act, for his client, in the conduct of a cause, without reproach, which if done under other circumstances, would brand him with perpetual infamy in the judgment of all conscientious and generous minded men.

In 1808 he was called upon by Governor Smith, to take command, as major, of a detachment of militia called into service by draught, to enforce the Embargo Law, as it was called. That law had become so obnoxious to the people on the frontier, that it was found impossible for the ordinary municipal authorities to enforce its observance.

The odium attaching to the law was unfortunately somewhat connected with the acrimony and animosity of the political divisions of the time ; and it is creditable to Governor WILLIAMS, that he was selected, at the early age of twenty-six, for so delicate an office, by Governor Smith who was of the opposite political party, and when he (Major W.) himself was known to belong to the party opposed to the passage of the very act of Congress which he was thus called upon to enforce at the point of the bayonet. It shows in a strong light the confidence felt by Governor Smith in his patriotism, capacity and purity of character.

It was during this campaign that several conflicts occurred between the constituted authorities of the national government, sustained by the military force called into service, for that purpose, and the opposers of the act of Congress, prohibiting all commercial intercourse with foreign nations. In some of these, lives were lost, upon either side, and the resitants were attempted to be proceeded against for the crime of treason in the criminal courts of the national government. But it was ruled, at that early day, by Mr. Justice Livingston of the Circuit Court that the offence did not constitute the crime of treason. And we are not aware that the soundness of the decision has ever been questioned by any sound lawyer upon dispassionate examination. That made it seem the more wonderful to those engaged in these early conflicts, that the government in their recent conflicts at Christiana, Penn., and at Syracuse, N. Y., should still persist in denominating the offence high treason against the national sovereignty.

Governor Williams also served his country during one campaign, in the war of 1812, as major of militia, in a regiment called into service to protect the northern frontier.

He was the Representative of the town of Rutland in the General Assembly for the years 1809, 1811, 1814, 1815, 1820, 1821, and again, in 1849, after his retirement from the Bench, by the general concurrence of all political parties in the town.

He was State's Attorney for the County of Rutland for the years 1814 and 1815. The office was then expected to be given to one who would be able to sustain himself, and to carry his cases securely without aid against the combined talent and skill of the bar, as, in important criminal prosecutions, the prosecuting officer was very

likely to encounter an imposing array of legal force on the part of the defence.

He was elected Judge of the Supreme Court in 1822, 1823, and 1824, and held the office for the two former years but declined it the latter year. He was appointed Collector of the Customs for the district of Vermont in 1825, and held that office until October, 1829, when he was again elected to the Bench of the Supreme Court. To this office he was annually elected seventeen successive years, during the last thirteen of which he held the place of Chief Justice, a far longer term than any other one has ever held that office in this State. He received the degree of LL. D. from Middlebury College in 1834. and retired from the Bench, at his own earnest solicitation, in 1846.

The resolutions passed by the Rutland County Bar, upon the occasion of his announcing his determination no longer to remain upon the Bench, will express more surely than we could be expected to do the general sentiment in regard to his services and his retirement.

The following is a transcript of the record of the resolutions above referred to :

“ At a meeting of the members of the Bar of the County of Rutland, held at the Court House in Rutland on the eighteenth day of September, 1846, on motion, Gen. Jonas Clark, of Middletown, was called to the Chair, and Henry Hale, of Orwell, appointed Secretary.

“ On motion, a committee of three, consisting of the Hon. Solomon Foot of Rutland, Caleb B. Harrington, Esq., of Middletown, and George W. Harman, Esq. of Pawlet, were appointed by the Chair to report resolutions expressive of the feelings of the members of the Bar, on the occasion of the contemplated retirement from the Bench of Chief Justice Williams.

“ After a short interval, the committee, through Mr. Foot, their Chairman, reported the following resolutions, which were unanimously adopted :

“ WHEREAS, we have learned from Chief Justice Williams his determination to leave the Bench of the Supreme Court of this State, at the close of his present term ;

“ *Resolved*, That the members of this Bar entertain for the personal and official character of the Hon. CHARLES K. WILLIAMS the highest respect and regard, and learn with profound regret his determination to retire from a position which he has so long occupied and

so highly adorned, and by whose legal learning and ability, and uniform dignity of character and deportment in the discharge of his official duties, the judiciary of Vermont has been elevated to the highest standard of respectability, both at home and abroad.

“*Resolved*, That our sincere personal respect, collectively and individually, is hereby tendered to Judge WILLIAMS, and that the ties which have so long united us in our professional relations will not be severed by his voluntary retirement to private life.

“*Resolved*, That the Clerk of this Court be requested to spread the proceedings of this meeting upon the docket of this term, and also to furnish a copy of the record to Chief Justice WILLIAMS.

“On motion, it was also voted that the proceedings of the meeting be published in the *Rutland Herald*, and thereupon the meeting adjourned, *sine die*.”

In the spring of 1848, Governor WILLIAMS was *unanimously* elected a member of the Council of Censors, whose office it is to inquire into any violations of the State Constitution during the preceding term of seven years, and to recommend such alterations in the fundamental law of the State as they deem expedient. This election is the more noticeable, as, at the time, the State was divided into three political parties, and his name was placed at the head of all the tickets, each of which, in other respects, contained different names from both the others. Upon the meeting of the Council, he was also unanimously chosen its President.

He was elected Governor of the State in 1850 and 1851 by the popular suffrage, which has not often been the case for several years past—a majority of the votes being required for an election. In 1851 he announced, in his annual message to the Legislature, his desire not to be considered a candidate for re-election.

It may now fairly be said of the subject of this brief and imperfect sketch, that his public life, which began at twenty-six, is fast drawing to its final close on the eve of seventy-one, thus filling the entire space of half a century. And of how very few men, whose public life extends over so large a term, can it be justly said there is so little “which, dying, one would wish to blot.” His public fame will, no doubt, rest mainly upon his published opinions in law and chancery, during the term of his judicial life, which were numerous, and embrace a very wide range of topics, and will be found in

the first and second volumes of D. Chipman's Reports, and in the series of Vermont Reports, from the second to the eighteenth volumes inclusive.

It would be difficult, if, indeed, it were desirable, to designate with much accuracy or precision any considerable number of his opinions which are specially distinguished above the others. At the time he came upon the Bench, few cases had been reported in the State, and we had very little law which we could call our own, beyond the statutes of the Legislature, and they have not always remained as stable as could be desired. During the period that he remained upon the Bench, many very important principles were established in our law, and to Governor WILLIAMS we are largely indebted for many of the most important and most salutary of those determinations.

Most of his earlier opinions in the Vermont Reports, and many of his later ones, are very thorough and elaborate, extending to all the kindred analogies of the law: and still it does not occur to us that it can justly be said that any of Governor WILLIAMS' opinions, while on the Bench, contain a single paragraph which was not apparently forced upon him by the exigencies of the case, and which is not indispensable to a fair and full discussion of the matter in hand, or which has, in any sense, the air of pretension or parade. There is in his written opinions, as there was in his public administration of the law, a wonderful forgetfulness of self. He is a sensitive man—a man of reserve and prudence, and withal a man of great kindness and courtesy, and one who would never invite collision with any one; but his moral and religious appreciation of human responsibility, is such as to sink into utter insignificance all merely personal and selfish considerations, when weighed against official or personal obligations, however painful or difficult to be performed, or however disastrous the ultimate consequences might be likely to prove to himself in a temporal point of view.

If he has any one peculiarity of the judicial mind more prominent than all others, it is a very marked regard to justice in the individual case in hand, as opposed to a blind devotion to mere precedent, at the expense of moral equity and right reason. He is far more influenced in his opinions upon all subjects by a regard to the great and controlling principles of absolute and eternal justice than by the mere conventionalism of human enactments. The blind and headlong devo-

tion to precedent, which has been with speculative and philosophical minds, to some extent, the reproach of the law, as incasing itself in a kind of cast iron conservatism, is a far more noticeable peculiarity of the legal profession in new States than in those of more age and experience, where the necessity of relaxation to meet the exigencies of peculiar circumstance has oftener become apparent; and the same feature is oftener found in youthful and inexperienced minds than in those whose wisdom has become ripe and matured, by studying the exceptions to general rules rather than the rules themselves. The mere novice well enough comprehends the importance and necessity of general rules of some kind of philosophical abstractions; but it requires great wisdom and severely chastened experience in the affairs of life to know the indispensable exceptions to all generalizations.

One of the leading opinions of Chief Justice Williams, and which at the time seemed likely to incur some degree of popular criticism, has proved eminently acceptable to the public mind in this State and has been generally followed in the other states. It is the case of *Lyon v. Strong*, 6 Vert. R. 219, where contracts made on Sunday are declared not to form the proper ground of an action in the courts of this State. The entire subject of illegal contracts is there very learnedly and thoroughly reviewed, and the controlling doctrine of the case very forcibly and satisfactorily declared.

His opinion in the case of *the Executors of Burr v. Smith et. al.*, 7 Vert. R. 241, embracing, as it does, the entire subject of charitable uses in this State, and consequently their existence independent of the statute of 43 Elizabeth, the English statute of charitable uses, and covering a space of more than thirty-five pages in the reports, is a most masterly discussion of one of the most important subjects which has ever come before the courts of this country. At that time (1835) the subject had attracted comparatively little attention in this country, and was settled in not more than two or three of the States. Since that time the view there taken by the Chief Justice has been very extensively adopted in the other States, although the opinion then pronounced was that of a divided court.

Another opinion, delivered by him while Chief Justice, has perhaps attracted more attention than any other of his published opinions. It is the case of *Smith v. Nelson*, 18 Vert. R. 511, and is certainly a very able and ingenious and persuasive argument to

establish the point of the subordination of all ecclesiastical authority in this country to the final revision of the judicial tribunals of the civil government. It has been received with marked approbation by many of the law journals of the country and by some law writers of distinguished ability and established reputation. The distinguished editor of the last edition of the *Commentaries upon American Law*, the Hon. William Kent, thus characterizes this case in his note to the edition. "In this last case the relation of the ecclesiastical to the civil power is discussed much at large, and the opinion of Chief Justice WILLIAMS is marked by extraordinary perspicuity, precision and strength." We could add nothing to such a testimony from such a source. We could enumerate many other of his judicial arguments, which merit and some of which have received distinguished commendation out of the State, but our time and our space would fail us.

The proceedings of the Rutland County Bar in requesting Governor WILLIAMS, while upon the bench, to sit for his portrait, are not unworthy of mention here ; and this cannot perhaps be better done than by setting forth the correspondence which took place in reference to the matter which was as follows :

"RUTLAND, 26th Sept. 1845.

"DEAR SIR,—At a meeting of the members of the Rutland County Bar, holden this day at the Court House, it was

"*Resolved*, That as a token of the high estimation in which they hold the long and eminent public services of the present Chief Justice of this State, of their appreciation of the distinguished ability with which he has so long discharged the judicial duties devolving upon him, and of the elevated character and dignity he has imparted to the judiciary of this State, the members of this bar will procure a full length portrait to be taken of Chief Justice WILLIAMS, to be placed in the Rutland County Court Room.

"The undersigned being appointed a Committee to carry out the object of the above resolution, beg leave to ask you to designate such time as will be most convenient to yourself to sit for the portrait. Mr. B. F. Mason is selected as the artist to do the work.

"You will be pleased to accept the assurances of our individual respect and esteem.

"SOLOMON FOOT.

"EDGAR L. ORMSBEE.

"C. B. HARRINGTON.

To the Hon. CHA'S. K. WILLIAMS."

“RUTLAND, Sept. 27, 1845.

“GENTLEMEN: Your note of the 26th instant, containing the resolution passed at a meeting of the Bar of Rutland County, on that day, was received this morning.

“I cannot but feel deeply grateful for such a tribute of affection and respect from the members of that Bar with whom I have been connected for more than forty years.

“Having since my admission in 1803 resided in this county, and having been constantly since that time connected with the Bar either as practitioner or as a Judge, I have had every opportunity to understand its character, ability and worth as well as that of its individual members. The knowledge thus acquired has given them a high place in my estimation; and I assure you that it is with pleasure and with pride that I remember my connection with them. This renders the mark of their approbation, expressed in the resolution, the more flattering and acceptable.

“When I call to mind the urbanity, indulgence, and strict decorum which has characterized the conduct of its members towards me since I have presided in the courts in this county, I feel under obligation to comply with their wishes, and to assure them, collectively and individually, that I entertain for them sentiments of deep affection and great respect. I apprehend, however, that their partiality and friendship has led them to place too high a value on my services, and I am very sure it has led them to overlook many imperfections.

“I know of nothing which will render it inconvenient for me to comply with their wishes at any time when most convenient for others.

“Permit me to return my thanks to you, gentlemen, for the manner in which you have communicated to me the wishes of the Bar, and be pleased to accept for yourselves the assurance of my high consideration and esteem.

“With great respect, your obdt. servant,

“CH. K. WILLIAMS.

“To Hon. Solomon Foot, and Messrs. Edgar L. Ormsbee and Caleb B. Harrington, Esqs.”

The portrait was painted by Mr. B. F. Mason during the ensuing autumn, and, when completed, was placed, as originally designed, in

the Court House in Rutland, where it remained until October, 1846, when, on account of the room not being of sufficient height, in reference to the size of the portrait, to have it show advantageously, and at the suggestion and solicitation of many friends of Judge W., from different parts of the State, the members of the Bar for whom it was painted determined to present it to the State, to be placed in the Capitol. This design was carried into effect, and the portrait, which is generally esteemed an excellent likeness, now adorns the Senate Chamber, in the east wing of the State Capitol, at Montpelier.

In closing this brief memorial, we deem it not inappropriate to mention that Governor WILLIAMS is an exemplary and consistent christian—in the communion of the Episcopal Church—whose life adorns his profession. We esteem this the more worthy of notice, as it is so very rare with the prominent public men in this country. We have talked ourselves hoarse against a state establishment in religion, which is no more likely to exist in this country than that of the Grand Lama. But it has produced one very marked effect: our prominent public men have ceased to be even nominally christians: religion is supposed to be a matter with which public men have nothing to do.

Governor WILLIAMS was married in 1817 to the daughter of the Hon. Chauncy Langdon, of Castleton, who was one of the most eminent and worthy of the leading men of the State from 1792, when he came into the State from Connecticut, until 1830, when he died at the age of sixty-six. He was for many years a distinguished member of the Legislative Council, held many other subordinate offices of trust and responsibility, and was a member of Congress in 1815 and 1816.

Governor WILLIAMS has seven children living, three sons and four daughters; and, in his wife and children, is certainly blessed far beyond the common lot. In all the graces and excellencies of a Christian household, we feel justified in saying it finds few parallels. And to us, it seems no small praise, that one is able to train up a family in such perfect beauty and simplicity.

And now to the many admirers and humble disciples of a studious, laborious, useful and eminent counsellor and judge, may we not be allowed to commend the words of Tacitus: "*Sic memoriam venerari, ut omnia facta dictaque ejus secum revolvant, famamque ac*

figuram animi magis quam corporis, complectantur. Sed ut vultus hominum, ita simulacra vultus imbecilla ac mortalia sunt; forma mentis aeterna; quam tenere et exprimere, non per alienam materiam et artem, sed tuis ipse moribus, possis."—Julii Agric. Vita, Cap. 46.

BIOGRAPHICAL NOTICE

Prepared at the request of the Rev. John L. Blake, D. D. for the next edition of his "General Biographical Dictionary,"

CHARLES KILBORN WILLIAMS, LL. D.,

Chief Justice of the Supreme Court, President of the Council of Censors, and Governor of the State of Vermont, the son of the Rev. Samuel Williams, LL. D., Professor of Mathematics and Natural Philosophy in Harvard University from 1780 to 1788, and afterwards the Historian of Vermont, was born at Cambridge, Mass., January 24, 1782, removed to Rutland, Vt., in 1790, where he resided till his death, March 9th, 1853. He graduated at Williams College in 1800, was appointed Tutor in that institution in 1802, but declined the appointment, and, at the time of his decease, was President of the Society of the Alumni of that College. He was admitted to the bar in Rutland County, Vt., in 1803, and had ever after, except when in the public service, an extensive practice, and was deservedly held in high estimation as a lawyer. In a military capacity, he was, in 1808, entrusted with the command of the first detachment of the militia of Vermont that was ever called into active service after the admission of Vermont into the Union, which detachment was draughted and served for three months on the frontier, in enforcing the embargo act (as it was generally termed) of the General Government; which act was at that time so obnoxious that the ordinary civil authorities were insufficient for its enforcement. He at this time held the rank only of Major, belonged to the political party which was opposed to the law, and being but twenty-six years of age, and without military experience, it was, indeed, and was at that time so regarded, a more than ordinary, but no more than a just acknowledgment of his ability, integrity, and patriotism.

that he was selected for so delicate and difficult a command, and that, too, by one (Gov. Smith) belonging to the opposite political party from that of Major W. The duties of this command were satisfactorily and successfully discharged; and during the war of 1812 Major W. again served his country in a similar capacity during one campaign on the same frontier. He represented the town of Rutland in the General Assembly of the State during the years 1809, 1811, 1814, 1815, 1820, 1821, and subsequently in 1849, his last election being by the joint acquiescence of all political parties, and by a nearly unanimous vote of his townsmen. He was State's Attorney for the County of Rutland for the years 1814 and 1815; a Judge of the Supreme Court during the years 1823 and 1824; was elected to the same office for the succeeding year, but declined to accept it, and was soon after appointed Collector of the Customs of the U. S. Government for the District of Vermont, which office he held until October, 1829, when he resigned it in consequence of being again elected to the Bench of the Supreme Court. From 1829 to 1846 he was annually, and usually unanimously, elected a Judge; and during the last thirteen years of this period he was the Chief Justice of the Supreme Court and *ex officio* a Chancellor of the State of Vermont. And it is to be noted, as an unusual testimonial to his qualifications for the office, that his elevation from an *Associate* to the *Chief-Justiceship*, in 1833, was without his previous expectation or assent, over a previous incumbent of opposite political principles, and by a legislature, the political sentiments of a majority of whom coincided with those of his opponent, and differed from those of his own.

In 1834 he received from Middlebury College the honorary degree of Doctor of Laws. In 1846 he peremptorily declined a reelection as Chief Justice, on account of his advanced age, and determined to spend the remainder of his days in retirement; but, in 1847, he was selected by each of the three rival political parties which then existed, and his name placed at the head of their several lists of candidates for the Council of Censors—their tickets being different, independent, and strictly partizan as to all their other candidates. Judge W. did not feel at liberty to decline this united call, and in the election he received the *unanimous*, while his twelve associates were not elected by even a majority, so evenly were the par-

ties divided, but only by a plurality vote ; and, upon the assembling of the Council he was unanimously elected its President. Being thus recalled into public life, he was, in 1850, put in nomination by the whig party for the office of Governor. Judge W. had always entertained and avowed very decided anti-slavery sentiments, and had permitted the use of his name, by the friends of that cause, in the gubernatorial elections of 1842 and 1843. His known sentiments upon this subject, united with the personal esteem in which he was held, secured for this nomination a majority of the popular suffrages, and he was, both in 1850 and 1851, elected Governor by the people, a result which, with other candidates, had not been attained for several years before. In his annual Message to the Legislature, in 1851, he declined being a candidate for re-election after the expiration of that official year, which did not terminate until October, 1852.

Governor WILLIAMS was, as must be obvious to all, from the above sketch, a man of great and decided *personal* worth. In his social intercourse he was affable and kind ; in his family relations, a model husband and father ; and withal, in every relation and situation of either public or private life, an exemplary christian.

OBITUARY NOTICES.

[From the RUTLAND COUNTY HERALD of March 12, 1853.]

DIED, at his residence in Rutland, on Wednesday evening, March 9th, the Hon. CHARLES KILBORN WILLIAMS. He was the youngest son of Dr. Samuel Williams, the historian of Vermont, and who, like his son, the subject of this notice, was long a resident of Rutland. CHARLES KILBORN WILLIAMS was born January 24th, 1782, at Cambridge, Mass., and was therefore seventy-one years of age on the 24th of last January. He graduated at Williams College, Mass., in 1800; studied law with Cephas Smith, Jr., at Rutland; was admitted to the Bar of the Rutland County Court, in 1803. He was State's Attorney for the County of Rutland for the years 1814 and 1815. He was appointed one of the Judges of the Supreme Court in 1822, and held the office until 1824, at which time he resigned and received the appointment of Collector of the United States Revenue for the District of Vermont, which appointment he resigned in 1829, when he was again appointed one of the Judges of the Supreme Court, which office he continued to hold until 1846, when in the execution of an often expressed wish, and contrary to the warm importunities of many friends, he again absolutely and finally declined a re-election.

In 1848, he was a member of the Council of Censors, of which body he was chosen President. In 1850 and 1851, he was elected Governor of the State. In 1834, he received the honorary degree of Doctor of Laws from Middlebury College. In 1833, he was appointed Chief Justice of the State, which office he continued to hold by annual re-election, until he declined further services in that arduous post. From the time of his admission to the Bar until the time of his appointment as a Judge of the Supreme Court, he was a law-

yer with an extensive practice. During a portion of this time, he represented the town of his residence in the Legislature of Vermont, and also passed a part of his life in the service of his country in the field. In early as in later life, he took great interest in the proper organization of the militia, and in due course and order of promotion passed from the ranks to the station of Brigadier General.

In 1817, he married LUCY G. LANGDON, the daughter of that eminent lawyer, the late Chauncy Langdon, who has borne him nine children, seven of whom survive him.

From this brief and meagre sketch of his life, it will be seen that as it has been a long, so has it been a busy one; and when it is added that all the diversified duties of these offices have been well performed, it will be admitted that at least the outlines of the life and character of no ordinary man have been drawn. This is not the time nor the occasion to speak of his public life, his public services, or his character as a statesman and a jurist. They are and will be part of the history of a State of which he was a favorite son; and in them there is nothing of which she may not well be proud.

The record of his public services and its results, the fruit of years of patient study and studious thought remains; but the volume of matured practical wisdom, sweetened by delightful personal intercourse, and rendered more attractive by most engaging manners, derived from long experience and close observation of the world, is forever closed. In the loss of a neighbor and friend, a deep sorrow has fallen upon this community; but if we may not yet speak at length of his public character, still less dare we intrude into the sacred circle of grief which mourns for such a husband and such a father.

[From the VERMONT STATE BANNER of March 12th.]

DEATH OF HON. CHARLES K. WILLIAMS.—Hon. Charles K. Williams expired very suddenly at his residence, in Rutland, at an early hour on Thursday morning last, of a disease of the heart—a difficulty under which he had been laboring for a series of years. He was one of the ablest men in the State—as a jurist, there probably is not his equal. He was for many years Chief Justice of the Supreme Court, and for the last two years Governor of the Commonwealth;

both of which important trusts he filled with honor to himself and credit to the State. The first office named above he might have held till the day of his death, had his health been such as to warrant his accepting the appointment. It was at his own request that another was put in his place upon the bench. As a private citizen, his character was above reproach—as a Christian, he was always consistent and devoted, and his daily walk and conversation, such as to lead all to admire his ways—as a scholar, he was in every way fitted to adorn any station which might have been put upon him—as a true patriot, his heart was such as to embrace his whole country. He ever abhorred the system of slavery, and through a long life was a bold champion of the oppressed. “Peace to his ashes”—he is now gathered to his rest.

[From the MIDDLEBURY REGISTER of March 16th.]

DEATH OF EX-GOV. WILLIAMS.—Hon. Charles Kilborn Williams, late Governor of this state, and for many years Chief Justice of our Supreme Court, died very suddenly at his residence in Rutland, on Wednesday evening last. He had been about as usual through the day, and had retired apparently in his ordinary health. He was found dead in bed by his wife, who retired at a later hour. His disease was supposed to be an affection of the heart.

Judge Williams was one of the ablest and most prominent of our public men; kind and courteous in all his intercourse; exemplary in his private life; and a devout and consistent communicant of the Episcopal Church. His loss will be deeply felt throughout the State, and most keenly at his own fireside, where he had anticipated much happiness in passing the declining years of his life, freed from all public cares. He had arrived at a good old age, having been born, we believe, in the same year with Daniel Webster. He was seventy-one years of age on the 24th day of January last.

The deceased was a native of Cambridge, Mass., and a graduate of Williams College, at Williamstown, Mass.

He first permanently located himself as a lawyer at Rutland, where he resided until his death. He represented that town in the Legislature of 1809, 1811, 1814 '15, 1820 '21, and again in 1849. In 1822, he was elected a Judge of the Supreme Court, and held

the office for two years. In 1829, he was again elected to the same place, and was re-elected each year until 1846, when he declined another election. He was Chief Justice from 1833 to 1846. In 1850, he was elected Governor, and re-elected in 1851, in both instances by a majority of the popular vote—being the only Governor since 1844 who has been chosen without the intervention of the Legislature.

At a meeting of the Bar of Rutland, at the office of the County Clerk, on Thursday, the death of the late Governor Williams having been announced, it was

“*Resolved*, That his character, his station, and his virtues call for an especial testimony of respect and honor to his remains and his memory: *Therefore*, the attendance of the Bar is invited to his funeral, to be held at his residence, at half-past eleven o’clock, A. M., on Saturday, the 12th inst.”

[From the REPUBLICAN STANDARD of March 17th.]

SUDDEN DEATH.—Hon. CHARLES K. WILLIAMS was found dead in his bed, at his residence in Rutland, Vt., on the evening of the 9th inst. His age was very nearly 70 years. No man has filled a larger space in the history of Vermont. He was Collector of Customs during the administration of President Adams, and being removed by Gen. Jackson, was elected a Judge of the Supreme Court by the Legislature. He subsequently became Chief Justice, which office he filled for nearly twenty years. On resigning that office, he was for two years elected Governor of the State. He filled these several offices with distinguished ability and fidelity. His father was the distinguished Rev. Dr. Samuel Williams, who wrote the history of Vermont, and his great-grandfather was the Rev. Mr. Williams who was taken prisoner by the Indians at the time of the destruction of Deerfield, during the French war, and whose captivity and subsequent release form a somewhat romantic episode in the history of those times.

[From the GREEN MOUNTAIN FREEMAN, of March 17.]

DEATH OF GOV. WILLIAMS.—We are pained to announce this week the sudden and unexpected death of the Hon. Charles K. Williams,

of Rutland, who, we understand, was found dead in his bed on Wednesday evening of last week. His death is a public loss, and his history is the history of our State, of which, as a jurist, a scholar, and as a man, we have ever deemed him one of the brightest ornaments.

[From the BURLINGTON FREE PRESS of March 18th.]

DEATH OF EX-GOV. WILLIAMS.—We learn with profound regret that the Hon. Charles Kilborn Williams, late Governor of the State, and for many years the distinguished and able Chief Justice of the Supreme Court of Vermont, died very suddenly at his residence in Rutland, on Wednesday evening, the 9th inst. We are informed that Judge Williams had been somewhat indisposed during the day, and previously, but in no degree was it supposed seriously so, and that he retired to his bed as usual on the evening referred to, where he was found some time afterwards, by Mrs. Williams, *dead!*

It is not for us to attempt to speak of the character and public services of this deservedly eminent citizen, whose fine general scholarship, judicial learning, profound and enlightened judgment, and incorruptible integrity, were known and appreciated much beyond the limits of the State which numbered him among her most honored sons. To other and better informed pens must be left the grateful task of writing *his* appropriate obituary and eulogium.

[From the NEW ENGLAND HISTORICAL AND GENEALOGICAL REGISTER, for April, 1853.]

DIED.—At Rutland, Vt., on the 9th March, Hon. CHARLES KILBORN WILLIAMS, LL. D., very suddenly, *æ.* 71 years, 1 month and 14 days, having been born 24th January, 1782. Mr. W. was the youngest son of that eminent philosopher and historian Rev. Samuel Williams, by Jane, daughter of Eliphalet Kilborn. His grandfather was Rev. Warham W., of Waltham, who was son of Rev. John Williams, of Deerfield, (so widely known as the redeemed captive,) by Eunice, daughter of Rev. Eleazer Mather, and grand-daughter of Rev. John Warham.

Mr. Williams filled the highest offices in his State with great

ability, and the approbation of the people. To know Mr. W. was to know a pattern of excellence. Mr. Williams took a lively interest in the New England Historical and Genealogical Society, of which he was a member.

[From THE INDEPENDENT of April 2d]

Died in Rutland, Vt., March 9, Hon. CHARLES K. WILLIAMS, aged 71 years, for many years Chief Justice and afterwards Governor of Vermont. He was a son of Rev. Samuel Williams, LL. D., formerly a Professor in Harvard College, and afterwards the Historian of Vermont. He was appointed a Judge of the Supreme Court in 1822 and again in 1829; Chief Justice in 1833, and re-elected yearly until 1846, when he declined further service. In 1850 and 1851 he was Governor of the State by the choice of the people—his known uncompromising hostility to slavery securing to him a greater popularity than was enjoyed by any other citizen. He was the author of the Act for the Security of Personal Freedom, by which every person taken as a fugitive from labor has a jury trial before a state Court.

[From the NEW YORK DAILY TIMES of April 8th.]

EX-GOVERNOR WILLIAMS.—We have already announced the death, at his residence in Rutland, of Hon. Charles K. Williams, late Governor of Vermont. The close of a life so illustrious is deserving of a wider notice than has been bestowed upon it by the public press. The circumstances attending his death were somewhat remarkable. He retired in his usual state of health, about 9 o'clock at night, and was found lifeless in his bed about an hour afterwards. He had made no complaints during the day of being unwell, and no one in the family had noticed any thing unusual in his appearance. His body was not opened but his death is supposed to have been occasioned by a disease of the heart.

Governor Williams was born at Cambridge, Massachusetts, on the 24th January, 1782, and was of course in the seventy-second year of his age, at the time of his death. He was the youngest son of Dr. Samuel Williams, who was long a resident of Rutland, and was

the author of an excellent history of Vermont. He graduated at Williams College, in his native State, studied his profession at Rutland, and was admitted to practice at the Bar of the Rutland County Court, in 1803. He was extensively engaged in the practice of his profession for nearly twenty years thereafter, and, during that time, represented the town of Rutland, in the Legislature of Vermont, and was also employed in the service of his country in the field. As a military man he rose from the ranks to the station of a Brigadier General and at all times took much interest in the proper organization of the Militia. In 1822 he was appointed Judge of the Supreme Court of Vermont, which office he resigned on receiving the appointment of Collector of Customs, as successor to Mr. Van Ness, in 1824. In 1829 Judge Williams resigned the office of Collector, and was re-elected Judge of the Supreme Court, which office he continued to hold, by consecutive annual elections, till 1846; at which time he peremptorily declined a re-election. He held the office of Chief Justice from 1833, till he declined in 1846; In 1834 he received the honorary degree of Doctor of Laws, from one of the Colleges in Vermont. In 1848 he was elected, by a unanimous vote of the Freemen of the State, as one of the Council of Censors, of which body he was chosen President. In 1850 he was elected by the people to the office of Governor of Vermont and re-elected by the popular vote in 1851. At the end of his second year he declined a re-election. He is the only man who has been elected Governor by the people of Vermont, for several years past. It was during his administration that the Legislature of that State, passed the celebrated Habeas Corpus Act, which has been so much more generally denounced than understood. But that Act is still among the Statute Laws of the State, and a future age will do justice to the spirit of the people who passed and sustained it. Governor Williams made it the subject of an elaborate vindication in his last annual Message.

For thirteen years, Judge Williams was Chief Justice of the Supreme Court of the State. As a jurist he was cotemporary (though they were not all on the bench together) with Van Ness, Prentiss, Phelps, Royce, Collamer, and Mattocks—names respected by all who are familiar with the judicial history of the State. And when we say that for the accuracy and copiousness of his legal learning, he was at least equal to any one of them, we assert what no man who

knew them all will deny. He was indeed a man of vast learning in his profession, of remarkable industry, great purity of personal character, strong in his attachments, and, perhaps it may be admitted, (but certainly without any imputation upon his integrity,) strong in his prejudices also.

From the brief sketch we have given of his public services, it is sufficiently apparent that it required a rare combination of talents to administer successfully the various offices which he held. And yet we believe no one ever questioned the ability or integrity by which his official life was distinguished. He discharged, indeed, every public duty with the utmost care and fidelity. And though he has departed from the busy stage of action, he has left behind him, in the jurisprudence of Vermont, an enduring monument, honorable alike to himself and to the State in whose service so large a portion of his life was passed.

[From the CHURCHMAN of April 30th.]

EX-GOVERNOR WILLIAMS.

We observed some weeks ago, with very great regret, the death of this eminent magistrate and most estimable man; and have been looking ever since to receive such points of authentic information as would enable us to make some suitable and becoming notice of him. This was partly supplied last week by an article in the *New York Daily Times*, and what was chiefly wanting in that, for our use, has since been made up to us through the favor of a private correspondent.

The Hon. CHARLES K. WILLIAMS, LL. D., died at his residence in Rutland, Vermont, the 9th of March, at the age of 71. His death is supposed to have been occasioned by a disease of the heart. On the day of his death he made no complaints of being specially unwell; retired about 9 o'clock at night, and was found lifeless in his bed about an hour afterwards.

Governor Williams was born at Cambridge, Massachusetts, on the 24th of January, 1782. He was the youngest son of the Rev. Samuel Williams, LL. D., a Congregational Minister, and favorably known as the author of a History of Vermont. Having graduated

at Williams College, he returned to Rutland, where his father lived, entered upon the study of the law, and was admitted to the bar in 1803. He was extensively engaged in the practice of his profession for nearly twenty years thereafter, and, during that time, represented the town of Rutland in the Legislature of Vermont, and was also employed in the service of his country in the field. As a military man he rose from the ranks to the station of a Brigadier General, and at all times took much interest in the proper organization of the militia. In 1822 he was appointed Judge of the Supreme Court of Vermont, which office he resigned on receiving the appointment of Collector of the Customs, as successor to Mr. Van Ness, in 1824. In 1829, Judge Williams resigned the office of Collector, and was re-elected Judge of the Supreme Court, which office he continued to hold, by consecutive annual elections, till 1846; at which time he peremptorily declined a re-election. He held the office of Chief Justice from 1833 till he declined in 1846. In 1834 he received the honorary degree of Doctor of Laws from one of the colleges in Vermont. In 1848 he was elected, by a unanimous vote of the freemen of the State, as one of the Council of Censors, of which body he was chosen President. In 1850 he was elected by the people to the office of Governor of Vermont, and was re-elected by the popular vote in 1851. At the end of his second year he declined a re-election. He is the only man who has been elected Governor by the people of Vermont for several years past.

For thirteen years Judge Williams was Chief Justice of the Supreme Court of the State. As a jurist, he was cotemporary (though they were not all on the bench together) with Van Ness, Prentiss, Phelps, Royce, Collamer, and Mattocks—names respected by all who are familiar with the judicial history of the State. And when we say that for the accuracy and copiousness of his legal learning, he was at least equal to any one of them, we assert what no one who knew them all will deny. He was, indeed, a man of vast learning in his profession, of remarkable industry, great purity of personal character, strong in his attachments, and, perhaps it may be admitted, (but certainly without any imputation upon his integrity,) strong in his prejudices also.

From this brief sketch of his public services, which we condense from the *Times*, it is apparent enough that he must have possessed a

rare combination of talents to administer successfully the various offices which he held. And yet we believe no one ever questioned the ability or integrity by which his official life was distinguished. He discharged, indeed, every public duty with the utmost care and fidelity. And though he has departed from the busy stage of action, he has left behind him, in the jurisprudence of Vermont, an enduring monument, honorable alike to himself and to the State in whose service so large a portion of his life was passed.

Of course Governor Williams was educated in the faith of the denomination to which his father belonged. We are competently assured that no man of his day was better acquainted with the ecclesiastical history of New England. His extensive reading brought him to understand the system of the Church; and with a man of his large thought, liberal sentiment, and firm legal training, such a magnificent and nobly-proportioned system of doctrine and polity, wherein the motions of life are at once restrained and deepened by the strong-handed, yet gentle and benignant discipline of order and law, could hardly fail of success: to see it as it is, was to be irresistibly attracted towards it. Accordingly, when, in 1831, it was proposed to establish a church parish in Rutland, Governor Williams readily fell in with the proposal, and was one of the most liberal contributors to the object. From that time he was a constant supporter of the church, and a regular and devout attendant on her services. In 1842 he was confirmed by Bishop Hopkins; was a member of the General Convention in 1844, and one of the Committee on Canons. His steady and constant attendance on the public worship of the church was quite remarkable. On Sundays and on week-days he was seen in his place, unless absent from home or detained by sickness; and his deportment there was that of a worshipper, not of a spectator. In his family, also, he maintained daily morning and evening prayer. On the evening of his death, though he had been for several days considerably indisposed, he waited for the return of his family from abroad, that he might not omit the customary devotions. Immediately after that solemn exercise, he retired to his chamber; and it is believed that he ceased to breathe as soon as he laid his head upon the pillow, leaving to his family the consolation that he closed his life in prayer.

PROCEEDINGS OF THE RUTLAND COUNTY BAR.

COUNTY CLERK'S OFFICE, Rutland, 10th March, 1853.

At a meeting of the Members of the Bar, residing in Rutland, held at the County Clerk's Office, on the 10th of March, 1853,

The sudden death of His Excellency, the late Governor Williams having been announced, it was

Resolved, That his character, his station, and his virtues call for an especial testimony of respect and honor to his remains and his memory ; *Therefore*, The attendance of the Bar is invited to his funeral, to be held at his residence at half past 11 o'clock, A. M., on Saturday, the 12th inst.

F. W. HOPKINS, County Clerk.

PROCEEDINGS OF THE WASHINGTON COUNTY BAR,

ON THE DEATH OF THE HON. CHARLES K. WILLIAMS.

At a meeting of the Washington County Bar, on the 11th inst., upon the announcement of the death of the HON. CHARLES K. WILLIAMS, of Rutland, Vt., late Chief Justice, and ex-Governor of the State, the following resolutions were presented by Messrs. O. H. Smith, H. Carpenter, and T. P. Redfield, and were unanimously adopted.

Messrs. Paul Dillingham, O. H. Smith, and T. P. Redfield were appointed delegates of the Bar to attend the funeral of the deceased.

Upon the coming in of the Court on the morning of the 14th inst., the resolutions were presented by Mr. Redfield with appropriate remarks, alluding to the high respect and esteem entertained by the members of the bar for the deceased, the appreciation of the loss they and the State have sustained in his death, and the sympathy expressed for the family in their affliction, and requesting that the court permit the resolutions to be entered upon the files and records of the court.

The Hon. Jacob Collamer entertained the resolutions, and alluded with much feeling to the arduous and important services Mr. Williams had rendered the State, with whom he was associated nine years upon the Bench—that the sentiments of the resolutions were but a deserving tribute to his memory, and that, in all the relations of life, he had been an eminent and devoted public servant, and an accomplished christian gentleman, and directed that the resolutions be entered upon the files and records of the court.

Resolved, That we receive the announcement of the death of the late Chief Justice Williams with deep regret.

Resolved, That his long and devoted service upon the Bench, his learning, firmness and undoubted integrity as a jurist, have contributed largely to establish the jurisprudence of the State upon a firm basis, and give it a reputation and character abroad, and has given him a character adorned as it has been in social and domestic relations, by manly and christian virtues, that has placed his name high in rank among those who have done the State service, and entitle his memory to be cherished.

Resolved, That we sympathize with the surviving members of his family, in this domestic affliction and public loss ; and tender to them our sincere condolence.

Resolved, That a copy of these resolutions be placed upon the files and records of this Honorable Court, and a copy also transmitted to the family of the deceased, as a token and evidence of our remembrance and regard.

M. H SESSIONS, President.

ALPHA C. MAY, Secretary.

Washington County Court, March 14th, 1853.

PROCEEDINGS OF THE BENNINGTON CO. BAR.

BENNINGTON COUNTY CLERK'S OFFICE, March 15, 1853.

At a meeting of the members of the Bennington County Bar, called on the occasion of the decease of our late Governor WILLIAMS, who for many years held the office of Chief Justice of the State, Samuel H. Blackmer was appointed Chairman, and James L. Stark, Jr., Secretary.

On motion it was resolved that a committee of three be appointed to draft resolutions for the action of the meeting, to express their sentiments on the event which called them together; and David Robinson, Henry Robinson, and N. B. Hall, Esqs., were appointed such Committee.

The following resolutions were presented by David Robinson, Esq., chairman of the committee, and, after being read, were unanimously adopted :

“ *Resolved*, That the deceased, in all his relative situations through life, his virtuous and eminent example at the bar, on the bench, in the chair of State, and in his social connections, is entitled to the highest honors and to our sincere respect.

“ *Resolved*, That we deeply sympathize with the family in their bereavement, and as a mark of our respect for them, and for the memory of the honored deceased, we will wear crape on the left arm for thirty days.

“ *Resolved*, That a copy of these resolutions be forwarded to the family of the deceased; also, that the same be published in our county paper.

S. H. BLACKMER, *Chairman*.

“ JAS. L. STARK, Jr., *Secretary*. ”

[From the STATE BANNER of March 19th, containing the published proceedings of the above meeting.]

The following letter, written by a member of the Bennington Co. Bar, who was unable to attend the meeting, is so faithful and deserved a tribute to the memory of the honored deceased that we are happy to avail ourselves of the same for publication.

There was no trait in the judicial character of Judge Williams more strongly marked, nor more universally admired, than that which

is so justly and feelingly alluded to by the writer of this letter when he refers to the steady adherence to truth and justice, and the constant and ready vindication of these eternal principles, under all circumstances and on all occasions, which characterized this truly eminent man :

“MANCHESTER, March 15, 1853.

“N. B. HALL, Esq.—*Dear Sir*: The good do *not* always die young. It sometimes pleases a gracious Providence, as if to preserve upon earth the memory of the virtuous, and illustrate to mankind the reality of their existence, to preserve to three-score and ten, such as have been eminent among their fellows for their fidelity to truth, their love of justice, and obedience to duty. Such stand as land-marks for the ages, guide-posts pointing ever the road to excellence—or, rather, stars fixed in the moral heavens, whereby to set aright the errors of the times. Such was the office of Charles K. Williams, and worthily was it filled. Let us rather thank Heaven that he has been preserved to mankind so long, than repine that Heaven has at last taken him up.

If the body of the pole-star were removed from the heavens, its light would still come down to us, steady and undimmed, for many ages ; so, I trust, the radiance of his example is to continue for many years to light the path of us, his younger brethren, to what is truthful in jurisprudence, honest in law practice, just in all the relations of private and public life, beautiful in morals and Divine in religion. Let us remember his kindness, his integrity and purity of life as a citizen. As a Judge, let us remember his impartiality, his strong sense of justice, and (for we can never forget) how the impassiveness of the judge was wont to warm into something of the ancient prophets' fire, whenever the strong appeared in his Court striving to oppress the weak, or craft was found seeking to entangle simplicity in the meshes of law. In such case, a law trial before Judge Williams was an illustrated moral lecture—a glorious thing to listen to and look upon. His extensive research and legal lore, his acuteness and accuracy of mental vision, are happily preserved, in a form not to be forgotten, among the enduring records of jurisprudence. As the Chief Magistrate of the State, it is enough to say that his administration was creditable to himself and to the State.

We cannot all be as learned or wise as he. But to the humblest among us it may pertain to be as truthful, as honest, as pure of heart and of life, as fast bound to the sentiment of duty; and hereto let us rather study to attain, as being the best end of life.

Having gazed upon the venerable face of the honored dead, and helped to lay him in his grave, I must forego, in obedience to other calls upon me, the sad pleasure of meeting the Bennington County Bar to-day, to arrange a chaplet for his tomb, but send you instead this *In Memoriam*.

I am very truly yours,

DANIEL ROBERTS.

PROCEEDINGS IN THE SUPREME COURT AT WOODSTOCK.

Present:—HON. ISAAC F. REDFIELD, Chief Justice.
 HON. PIERPOINT ISHAM, } Assistant Judges.
 HON. MILO L. BENNETT, }

At a meeting of the Bar of Windsor County at the Court House, on the morning of the 11th of March, A. D. 1853, the State's Attorney, W. C. FRENCH, Esq., presiding.

On Motion,

Resolved, That a Committee of three be appointed to draft resolutions expressive of the feelings and sentiments of the Bar occasioned by the recent death of our distinguished fellow citizen, the Hon. CHARLES K. WILLIAMS, LL. D., of Rutland, and that the same, being adopted, be presented to the Supreme Court, now in session, to-morrow morning, at the opening of the Court.

Hon. Carlos Coolidge, Hon. Andrew Tracy and Hon. John S. Marcy were appointed such Committee.

The Meeting adjourned to 9 o'clock to-morrow morning.

SATURDAY MORNING, March 12.

The Committee appointed yesterday reported Resolutions, which were adopted as follows:—

Resolved, That we have learned with the most profound regret of the death of the Hon. CHARLES K. WILLIAMS.

Resolved, That by his death Vermont has lost a citizen, who, for nineteen years, gave strength and lustre to the bench of our Supreme Court, and thereby established for himself a character, which has



given him a rank with the ablest jurists of the country ;—that while we thus recognise his high judicial character, we accord to him the personal virtues which adorn the Christian citizen and the public officer in all the relations of life ;—that we honor him for the honor he has conferred on our State, our Judiciary, and our profession ; —that we shall gratefully cherish his memory for the qualities which rendered him equally the patron of professional and personal merit, —the courteous presiding Judge, and the kind and sincere friend.

Resolved, That the Court be requested to order a copy of these resolutions and of the proceedings on this occasion to be entered in the records of the present term of this Court.

Resolved, That a copy of these resolutions, with the proceedings of the Court and Bar on this occasion, be certified by the Clerk of the Court and sent to the bereaved family of the deceased.

Thereupon, Gov. Coolidge presented the resolutions to the Court, addressing the Court as follows :

May it please your Honors :

As the organ of a Committee of the Bar of this County, I come to announce to your honorable body the decease of CHARLES K. WILLIAMS, late Chief Justice of this Court, and more recently Governor of the State.

In those of you who, for many years, took counsel together with him in the walks of judicial life, and knew his virtues, this event must have already revived, in full freshness, the recollection of the hours of labor and of the scenes of recreative companionship, which you had the happiness to pass with him.

To all of you, as to all of us, it speaks with more than ordinary impressiveness of the little value which the richest reward of the loftiest ambition bears, when the day has passed and the night has come "when no man can work."

Judge WILLIAMS was eminent among eminent men. As a jurist, and as a judge, he was greatly distinguished by those who knew how to discriminate between merit and pretension. Governed by inflexible integrity, he united with it much amenity of manner. His acquisitions of legal lore were large. It was his felicity in his administration of the law and in the justness of his aims in it, to commend himself to every man's conscience. The repeated bestowals on him of popular honors, evincive of the never-failing confidence reposed in

him by the people, amply attest their sense of personal worth, and their high appreciation of his public services.

When such a man dies—though he “come to the grave in a full age, like as a shock of corn cometh in his season,”—the heart shrinks away, for the moment, from its fondest aspiration ; and we feel sad, as though, for him and for us, the inevitable hour had come too soon. So it is—the deceased, who came up from an age past—an age whose story will not be forgotten—has long lingered on the parting-ground only, now, to drop from our sight forever.

In his first season of manhood, Judge WILLIAMS began to identify himself, by sympathy and effort, with the great interests of this State, and he sought their advancement under the inspiration of a zeal justly compounded of a desire for personal distinction and of the sentiment of genuine patriotism. It was, therefore, the result that, while he loved and labored for the applause which the good confer and which every generous and elevated mind courts, he escaped, as such an one should, both private and public calumny. His relations with our Commonwealth were intimate, and his services too conspicuous and valuable to be ever erased from her history. When we remember how important a part he has acted in aiding to establish the general policy of this State, and in giving compactness and symmetry to her most highly prized institutions, we may say, without incurring censure for over-wrought panegyric, that in his death we sustain a heavy public loss.

But this is not the occasion for an extended eulogy. Nor does it belong to me to make one. Others will be found more able to render to the excellent character of the departed the tribute of praise it deserves. To them I commit the duty.

In behalf of the Bar, I offer resolutions adopted by that body, and respectfully request that the Court order the same to be put upon the records, there to remain as a memorial of our respect for the deceased.

To which Chief Justice Redfield responded as follows :

We very fully accord with all the sentiments contained in the resolutions, and in the address of Gov. Coolidge. My own relations to Judge WILLIAMS have been of that intimate character, more filial, perhaps, than I have ever sustained to any other, in professional or public life, that it is difficult for me to speak of him, without, in

some sense, seeming to over-estimate his merits. I am among the number of those who feel that he, more than most other eminent and distinguished men, would always be more highly prized the more intimately he was known. With some men, perhaps with most men, nearness of relation is liable to dim, somewhat, the brightness of their apparent excellencies. But with me, in regard to Judge WILLIAMS, it has been otherwise. From the first to the last our increasing intimacy has but constantly served to increase my admiration of his talents and his virtues.

His advantages were, no doubt, quite superior to those which fall to the general lot of the profession. His father was a distinguished scholar, and no doubt devoted much care and pains to the education of his son. He himself graduated, in one of the early years of the present century, at Williams College; and when he came to the bar, was regarded as highly educated in the profession, and no doubt was so. His general classical and literary reading he has kept up, more than is common perhaps in the profession; and his acquaintance with the literature of the profession, so to speak, was uncommon.

But the great debt which the State owes to Judge WILLIAMS seems to me to rest mainly upon his long service upon the bench of this Court. He came into this Court when our reports first become continuous, and, with an interval of four years, while he was collector of customs in this district, he remained until the fall 1846, and for thirteen years he was Chief Justice. During eleven years I was associated with him. And I may say, I think, without depreciating others, that there was in him an uncommon watchfulness and studiousness of effort to have, not only the cases which he decided, but all the cases, fully understood and correctly determined; not with any spirit of officious intermeddling, for no man could be further from it, but to have them justly and correctly decided, and so as not to conflict with other decisions of the Court,—not for the purpose of carrying out his own opinions or theories, further than he felt them to be just, but to leave the body of our judicial decisions symmetrical as far as possible. He had less of the love of mastery, and more of the love of truth, than what is common even to eminent men.

During all this long period, Judge WILLIAMS' cases have all been thoroughly examined, and elaborately and learnedly reported, and they form a very large portion of our judicial system, so far as our

reports are concerned. He too, more than any other, from his long residence in the State, and his public position, and his capacity, and taste also, for such matters of investigation, I say more than any other with whom I have been intimate, possessed a minute knowledge of the history of our legislation, and the traditional history of our judicial decisions and the practice of this Court, which to me made him a most useful adviser. I must always feel largely indebted to him, on that as on many other grounds.

He was too, in his judicial administration, wonderful for his willingness to yield an opinion, when convinced it was no longer tenable. In all our differences of opinion in regard to cases, and in so long a term they have been many, and sometimes persevering and continued, I have always felt the most perfect conviction that if his difficulties could be removed, he would readily yield his opinion. I may well say, I fear he has found me less so, than I have found him, for I esteem such love of truth, such forgetfulness of self and selfish ends, a most desirable and difficult attainment.

As his Christian character has been alluded to in the resolutions, I will say that I have never known any one, whose every act and word, seemed to me to be done more with a single and present and abiding reference to an ultimate accountability, than were his. But with him these things were kept very much to himself.

I think the profession in this State is greatly indebted to him. As a model for imitation, in my judgment, we could scarcely propose to ourselves a better. His urbanity, his courtesy, was almost perfect, neither too much or too little, and his dignity was neither stiff or frigid ; and he was equally exempt from all levity, even when he allowed himself to relax, as he gladly did, and which he knew how and when to do. I could say a great deal more, but could scarcely have said less. The Court will readily accede to the motion to adjourn during the time appointed for the funeral.

And thereupon the Court adjourned during the hours of the funeral of the deceased, till two o'clock this afternoon.

After adjournment, at a meeting of the Bar, it was

Resolved, That Gov. Coolidge and Judge Redfield be requested to furnish to the Clerk copies of their remarks, to be entered on the records of the Court as part of the proceedings on this occasion ; and that the proceedings and remarks be published in the papers in this town.

NORMAN WILLIAMS, Clerk.

[From the Appendix to the 24th volume of the "VERMONT REPORTS."]

HON. CHARLES KILBORN WILLIAMS, LL. D.,

LATE CHIEF JUSTICE OF THE SUPREME COURT.

We have deemed it not inappropriate to place this brief memorial of one of the most distinguished ornaments of the bench of this State in the annual volume of the reports of the decisions of that court, where he presided for a longer term than any other one since the foundation of the State government. This fact alone, in a State where the election of judges is annual, is altogether decisive of the general estimation in which his services, as a judge, were held. One may possibly hold a subordinate place for a long time, or the first place for a short time, and not justify such an inference; but it is impossible to believe that any one should preside over the deliberations of the highest judicial tribunal in the State for thirteen years successively, with annual re-elections, and not possess eminent, we think we may say almost unrivalled qualifications, for the place.

And such, we believe, has been, and will always be, the general estimation in relation to the services of the Hon. CHARLES KILBORN WILLIAMS, LL. D., late Chief Justice of this court, who died suddenly at his residence, in Rutland, during the night of the 9th of March, A. D. 1853, aged seventy-one years. Chief Justice Williams was born at Cambridge, Massachusetts, January 24th, 1782. His father, the late Rev. Samuel Williams, LL. D., was, at the time, the Professor of Mathematics in Harvard College, but removed to Rutland, in this State, when his son was about seven years old, where the father and the son both resided till their death.

Dr. Samuel Williams, as a scholar and divine, and especially as the early historian of the State, has left a very abiding and enviable reputation. And it is no doubt attended with many advantages to receive one's education under the eye of such a father, which, without that, no mere culture of the schools can fully compensate. Charles K. Williams graduated at Williams College, in the year 1800, and studied the profession of law in Rutland, where he was admitted to the Bar in 1803. In 1817, he married the daughter of the Hon. Chauncy Langdon, who survives her husband. They had nine children, all of whom, save two, survived their father. Judge Williams was more than commonly happy in all the domestic relations,

as he was also eminently qualified to impart happiness in those relations. His home seemed his chief solace and support during the exhausting labors of his long judicial service.

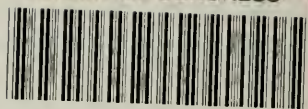
He first came to the bench of the Supreme Court in the year 1822, and remained but two years. He then served in the office of Collector of Customs for the district of Vermont during the administration of the younger Adams, and returned to the bench in the fall of 1829, where he remained till the fall of 1846, when he declined a re-election. He was two years Governor of this State, and declined a re-election, just before his death.

It could answer no good purpose, perhaps, to dwell upon the character of this faithful servant of the State, in one of the most critical and exhausting, and, at the same time, least obtrusive, departments of the public service. It is probably true that his merits, as a judge, were as justly and as highly estimated by his fellow citizens as those of any other. If he was less known out of the State, it is because he had studiously avoided connecting himself in any way with the law journals, even by allowing them the publication of his opinions in advance of the regular reports, which is not uncommon. But with him, these things had too much the appearance of pretension, or love of publicity, on the one hand, and of condescension and subserviency on the other, to meet the full approbation of that severe sense of propriety by which his own course was prescribed. He was, possibly, on this account, less known, and more highly esteemed where he was known. For it is certain that many of his opinions have received more marked commendation from law writers of marked eminence out of the State than perhaps almost any others in our reports. And in regard to the jurisprudence of the State, (whatever it is,) so far as the reports are concerned, it unquestionably bears more distinctly the impress of his mind than of any other one.

And whatever differences of opinion may exist in regard to the excellencies, or defects, of the late Chief Justice Williams, we can scarcely remember any one, whose virtues more decidedly preponderate, or whose judicial character could be more justly presented, as a model. His mind was active and almost electric, in its movements, and at the same time, so patient as to be far more than ordinarily sure of reaching a just conclusion, and in the shortest possible

time. And if he sometimes flagged in the severity of his attention, under a protracted argument, it was not while the speaker was drawing new truths from the old fountains and foundations of the law. His sense of justice, his incorruptible integrity and impartiality ; his willingness to suffer and to be sacrificed, if need be, in defence of truth and innocence, or in bringing falsehood and fraud to its merited reward ; his purity, his dignity, his urbanity ; his simplicity and singleness of heart, in all the relations of life, present his character, as at once the brightest for admiration, and the safest for imitation. If it should be thought by any, that like the patriarch, he had little to tempt him from, and much to support him in his high course of virtue and integrity, and that he was therefore deserving of less commendation ; although we certainly would not disparage, in any sense, the quiet decency and respectability of judicial life, one can scarcely refrain from feeling sometimes, that where the elections are annual, the salaries quite disproportioned to those paid in private life, for equal service, and the labor immense, and, at times, almost overwhelming, the position is not altogether so well calculated to sustain the mind and support the heart, as some others. And we trust it will not be regarded as offensive or personal, to say that the mere uncertainty of the tenure of the judicial office, while it is undoubtedly a safeguard to the State, is always a proportionate embarrassment to the incumbent, and one which, because it is not generally understood, is not sufficiently taken into account, in estimating the relative proportion of service and compensation.

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